IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18115 of 2004

Between:

M. Sriramulu Reddy, S/o. Govindareddy,
Aragonda Village, Thavanampalli Mandal, Chittoor District.

..... PETITIONER

AND

1 The Assistant Commissioner, Endowments,Chittoor.
2 The Deputy Commissioner of Endowments, Kurnool.
3 The Commissioner of Endowments, Tilak Road, Hyderabad.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or writ more particularly one in the nature of writ of Mandamus by declaring the action of 1st respondent in issuing notification dt. 24-9-2004 vide No. 133/3922/2004 is illegal, arbitrary, against the Principles of Natural Justice and against the Rules of Endowments and violative of Art. 19 and 21 of the constitution of India and consequently set aside the notified issued by the 1st respondent dt. 24-9-2004 in No.133/3922/2004 and not to constituted the New Board of Trustees.

Counsel for the Petitioner: MR.R.CHANDRA REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the stage of admission made the following Order:

The petitioner, who claims to be a Member of the Trust Board of Sri Ardhagiri Veeranjaneyaswamy Temple, Aragonda, filed this writ petition challenging the notification issued by the first respondent-Assistant Commissioner of Endowments, Chittoor, dated 24-09-2004 inviting applications for appointment of new Board of Trustees.

The petitioner states that one Sri P.Sugunakar Reddy is the Chairman of the present Board of Trustees and that due to his sincere efforts the temple income has increased during his tenure and that several developmental works have been undertaken which are under progress. The contention of the petitioner is that since the said works are under progress if in the meanwhile a new Trust Board is appointed it would adversely affect the ongoing works and consequently the development of the temple would be affected. It is alleged that though the said fact has been brought to the notice of the respondents, they failed to consider and mechanically issued the impugned notification for appointment of the new Board of Trustees. Hence, this writ petition.

Admittedly, the term of the existing Board of Trustees expired. If that be so, the respondents are bound to make appointment of new Board of Trustees by following due process of law. Hence, the impugned action of the respondents in issuing the impugned notification cannot be found fault with. The only ground raised by the petitioner that the new Board of Trustees will not take care of ongoing developmental works is only an apprehension of the petitioner and no relief can be

granted on such apprehension without there being any material to substantiate the same. Hence, the declaration as prayed for cannot be granted.

The learned Counsel for the petitioner also states that the said P.Sugunakar Reddy is the founder trustee and therefore the respondents may be directed to include him in the Board of Trustees. As per Section 17 of The A.P. Hindu Charitable and Hindu Religious Institutions and Endowments Act, 1987, while constituting the Board of Trustees, one of the trustees shall be from the family of the founder if qualified. Therefore, it is always open to the petitioner or to any other person to apply for appointment in response to the impugned notification, in which event the respondents will consider the same in accordance with the statutory provisions.

With the above observation, Writ Petition is disposed of. No costs.

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06-10-2004

Note: Issue C.C. by tomorrow.

(B/o)

kdl

To

1 The Assistant Commissioner, Endowments,Chittoor.
2 The Deputy Commissioner of Endowments, Kurnool.
3 The Commissioner of Endowments, Tilak Road, Hyderabad.

4 Two C.Cs. to the Government Pleader for Endowments, High Court Buildings, A.P., Hyderabad, (OUT).

5 Two C.D. Copies.